

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	CAUSE NO.: 2:14-CR-29-PPS-PRC
)	
GARY LAMONT LINDSEY,)	
Defendant.)	

**FINDINGS AND RECOMMENDATION OF THE MAGISTRATE JUDGE
UPON A PLEA OF GUILTY BY DEFENDANT GARY LAMONT LINDSEY**

TO: THE HONORABLE PHILIP P. SIMON,
UNITED STATES DISTRICT COURT

Upon Defendant Gary Lamont Lindsey's request to enter a plea of guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter came for hearing before Magistrate Judge Paul R. Cherry, on March 27, 2014, with the consent of Defendant Gary Lamont Lindsey, counsel for Defendant Gary Lamont Lindsey, and counsel for the United States of America.

The hearing on Defendant Gary Lamont Lindsey's plea of guilty was in full compliance with Rule 11, Federal Rules of Criminal Procedure, before the Magistrate Judge in open court and on the record.

In consideration of that hearing and the statements made by Defendant Gary Lamont Lindsey under oath on the record and in the presence of counsel, the remarks of the Assistant United States Attorney and of counsel for Defendant Gary Lamont Lindsey,

I FIND as follows:

(1) that Defendant Gary Lamont Lindsey understands the nature of the charge against him to which the plea is offered;

(2) that Defendant Gary Lamont Lindsey understands his right to trial by jury, to persist in his plea of not guilty, to the assistance of counsel at trial, to confront and cross-examine adverse witnesses,

and his right against compelled self-incrimination;

(3) that Defendant Gary Lamont Lindsey understands what the maximum possible sentence is, including the effect of the supervised release term, and Defendant Gary Lamont Lindsey understands that the sentencing guidelines apply and that the Court may depart from those guidelines under some circumstances;

(4) that the plea of guilty by Defendant Gary Lamont Lindsey has been knowingly and voluntarily made and is not the result of force or threats or of promises;

(5) that Defendant Gary Lamont Lindsey is competent to plead guilty;

(6) that Defendant Gary Lamont Lindsey understands that his answers may later be used against him in a prosecution for perjury or false statement;

(7) that there is a factual basis for Defendant Gary Lamont Lindsey's plea; and further,

I RECOMMEND that the Court accept Gary Lamont Lindsey plea of guilty to the offense charged in Count 1 of the Information and that Defendant Gary Lamont Lindsey be adjudged guilty of the offense charged in Count 1 of the Information and have sentence imposed. A Presentence Report has been ordered. Should this Report and Recommendation be accepted and Gary Lamont Lindsey be adjudged guilty, a sentencing date before Chief Judge Philip P. Simon will be set by separate order. Objections to the Findings and Recommendation are waived unless filed and served within fourteen (14) days. 28 U.S.C. § 636(b)(1).

So ORDERED this 27th day of March, 2014.

s/ Paul R. Cherry
MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES DISTRICT COURT

cc: All counsel of record
Honorable Rudy Lozano